

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1861

IN THE MATTER OF:

Served July 7, 1978

Application of JAMES M. SMITH,)
INC., for Temporary Authority to)
Perform Charter Operations Pursuant)
to Contract with U. S. Navy)

Case No. AP-78-23

By application filed June 30, 1978, James M. Smith, Inc., seeks temporary authority to transport persons traveling on official government business, in charter operations pursuant to a contract between Smith and the United States Department of the Navy, between the Arlington Annex, Arlington, Va., and the Wolfe Building, 8621 Georgia Avenue, Silver Spring, Md. Applicant would provide eight round-trip shuttles between these points on each government work day with two 50-passenger buses.

In support of the application, the Navy states that Smith was low bidder on the proposed contract. Neither of the other two bidders, Diamond Tours, Inc., and Washington Motor Coach, Inc., holds appropriate authority from this Commission. However, the Navy has been using the services of Diamond Tours on an "interim" contractual basis. The Gray Line, Inc., and Atwood's Transport Lines, Inc., hold appropriate authority, but neither carrier bid on the contract. Hence, the Navy believes that there is no carrier interested in transporting its personnel, and it desires to award Smith a one-year contract to commence July 17, 1978.

Title II, Article XII, Section 4(d)(3) of the Compact authorizes the Commission to grant temporary authority, in its discretion, where there is an immediate and urgent need for service and no motor carrier capable of meeting such need. The Navy has an immediate need for service from an authorized carrier, and we construe the absence of bids from Gray Line and Atwood's as evidencing an inability at this time to provide the required service. Accordingly, the application shall be granted subject to the conditions set forth below.

THEREFORE, IT IS ORDERED:

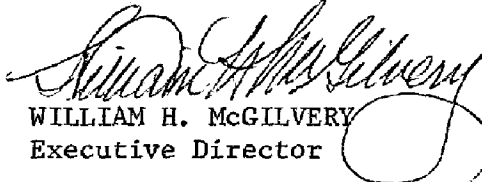
1. That James M. Smith, Inc., is hereby granted temporary authority to engage in charter operations pursuant to contract with the United States Department of the Navy, transporting persons traveling on official government business between the Arlington Annex, Arlington, Va., and the Wolfe Building, 8621 Georgia Avenue, Silver Spring, Md.

2. That the temporary authority granted herein shall be effective Monday July 17, 1978, and shall continue in effect for a period of 180 days until Friday, January 12, 1979, at 11:59 p.m., unless otherwise ordered by the Commission.

3. That James M. Smith, Inc., is hereby directed to file with the Commission, no later than Friday, July 14, 1978, (a) two copies of its WMATC Temporary Authority Tariff No. 1, including complete copies of an executed bilateral contract between the carrier and the United States Department of the Navy, (b) a schedule identifying with particularity the motor vehicles to be used in rendering the service authorized herein together with appropriate evidence that said vehicles have passed a mechanical inspection administered by a signatory State within the last 60 days, (c) an appropriate certificate of insurance pursuant to Commission Regulation No. 62, and (d) a notarized statement of compliance with Commission Regulation No. 68 governing identification of motor vehicles.

4. That unless James M. Smith, Inc., timely complies with the mandates of the next preceding paragraph the grant of temporary authority made herein shall be considered null and void, and Case No. AP-78-23 shall stand denied in its entirety effective upon the expiration of the said compliance time or such additional time as may be authorized by the Commission.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director